

AN ORDINANCE APPROVING THE PETITION TO ESTABLISH THE HAMPTON BERTHOLD COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE HAMPTON BERTHOLD COMMUNITY IMPROVEMENT DISTRICT, AND FINDING A PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE HAMPTON BERTHOLD COMMUNITY IMPROVEMENT DISTRICT.

WHEREAS, Mo. Rev. Stat. §67.1400 et seq. (the “CID Act”) authorized the Board of Aldermen to approve the petitions of property owners to establish a Community Improvement District; and

WHEREAS, a petition has been filed with the City, requesting formation and establishment of the Hampton Berthold Community Improvement District, signed by authorized representatives of the owners of more than fifty percent by assessed value and per capita of the property located within the Hampton Berthold Community Improvement District (as revised, the “Petition”); and

WHEREAS, the Register of the City of St. Louis did review and determine that the Petition substantially complies with the requirements of the CID Act; and

WHEREAS, a public hearing, duly noticed and conducted as required by and in accordance with the CID Act was held at _____ A.M. on _____, 2013 by the Board of Aldermen; and

WHEREAS, this Board of Aldermen hereby finds that the adoption of this Ordinance is in the best interest of the City of St. Louis and that the property owners of the Hampton Berthold Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Hampton Berthold Community Improvement District.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE.

(a) A community improvement district, to be known as the “Hampton Berthold Community Improvement District” (hereinafter referred to as the “District”), is hereby established pursuant to the CID Act on certain real property to provide services, construct improvements, impose taxes and carry out other functions as set forth in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

(b) The District boundaries are set forth in the map included in the Petition and are generally described as follows (and are more particularly described in the Petition):

A tract of land located in City Block 4591-W of the City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the north right-of-way line of Berthold Avenue, 60 feet wide with the east right-of-way line of Hampton Avenue, variable width; thence northerly along said east right-of-way line to its intersection with the southeastern right-of-way line

1 of Clayton Avenue, 60 feet wide; thence northeasterly along said southeastern
2 right-of-way line and its direct northeasterly prolongation to the east right-of-way of
3 Cairns Place, 50 feet wide; thence south along said east right-of-way line to its
4 intersection with the north right-of-way line of a 15 feet wide alley; thence east along said
5 north right-of-way line to its intersection with the direct northeasterly prolongation of
6 the west line of a tract of land as conveyed to Hardees of St. Louis, by instrument
7 recorded on 11/11/2011 as Daily No. 1111; thence south along said prolongation line,
8 said west line to the south line of said Hardees of St. Louis tract; thence east along said
9 south line of to the west right-of-way line of Oakview Place, 50 feet wide; thence south
10 along said west right-of-way line to its intersection with the north right-of-way line of
11 above said Berthold Avenue; thence west along said right-of-way line to the Point of
12 Beginning, revised October 11, 2012.

13 SECTION TWO. The District is authorized by the Petition, in accordance with the CID Act to
14 impose a tax upon retail sales within the District, to provide funds to accomplish any power, duty
15 or purpose of the District.

16 SECTION THREE. The District is authorized by the CID Act, at any time, to issue obligations,
17 or to enter into cooperative agreements as provided for in Sec. 67.1491.4 RSMo, with other
18 entities with the authority to issue obligations, for the purpose of carrying out any of its powers,
19 duties, or purposes. Such obligations shall be payable out of all, part or any combination of the
20 revenues of the District and may be further secured by all or any part of any property or any
21 interest in any property by mortgage or any other security interest granted. Such obligations shall
22 be authorized by resolution of the District, and if issued by the District, shall bear such date or
23 dates, and shall mature at such time or times, as the resolution shall specify. Such obligations
24 shall be in such denomination, bear interest at such rate or rates, be in such form, be payable in
25 such place or places, be subject to redemption as such resolution may provide and be sold at
26 either public or private sale at such prices as the District shall determine subject to the provisions
27 of Mo. Rev. Stat. §108.170. The District is also authorized to issue such obligations to refund, in
28 whole or part, obligations previously issued by the District.

29 SECTION FOUR.

30 (a) Pursuant to the Petition, the District shall be in the form of a political subdivision of
31 the State of Missouri, known as the Hampton Berthold Community Improvement District.

32 (b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the District shall be the
33 same as the fiscal year for the City of St. Louis.

34 (c) No earlier than one hundred and eighty (180) days and no later than ninety (90) days
35 prior to the first day of each fiscal year, the District shall submit to the Board of Aldermen a
36 proposed annual budget for the District, setting forth expected expenditures, revenues, and rates
37 of assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on
38 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such

1 written comments no later than sixty (60) days prior to the first day of the relevant fiscal year;
2 such comments shall not constitute requirements, but shall only be recommendations.

3 (d) The District shall hold an annual meeting and adopt an annual budget no later than
4 thirty (30) days prior to the first day of each fiscal year.

5 SECTION FIVE. The District is authorized to use the funds of the District for any of the
6 improvements, services or other activities authorized under the CID Act.

7 SECTION SIX. Pursuant to the CID Act, the District shall have all of the powers necessary to
8 carry out and effectuate the purposes of the District and the CID Act as set forth in the CID Act,
9 except as may be limited in the Petition.

10 SECTION SEVEN. The City of St. Louis hereby finds that the uses of the District proceeds as
11 provided for in the Petition hereto will serve a public purpose by remediating blight and
12 encouraging the redevelopment of real property within the District.

13 SECTION EIGHT. The District has been declared to be a “blighted” area as defined in Section
14 67.1401.2(3)(b) of the Act by the City's adoption of Ordinance No. 69379 (2013), which
15 declared the District Property to be a “blighted area” under Chapter 99 of the Revised Statutes of
16 Missouri, and such designation of blight is hereby reaffirmed.

17 SECTION NINE. Within one hundred twenty (120) days after the end of each fiscal year, the
18 District shall submit a report to the Register of the City and the Missouri Department of
19 Economic Development stating the services provided, revenues collected and expenditures made
20 by the District during such fiscal year, and copies of written resolutions approved by the board of
21 the District during the fiscal year. The Register shall retain this report as part of the official
22 records of the City and shall also cause this report to be spread upon the records of the Board of
23 Aldermen, pursuant to Section 67.1471 of the CID Act.

24 SECTION TEN. The term for the existence of the District shall be as set forth in the Petition, as
25 may be amended from time to time or as such term may be otherwise modified in accordance
26 with the CID Act.

27 SECTION ELEVEN. Pursuant to the CID Act, the Board of Aldermen shall not decrease the
28 level of publicly funded services in the District existing prior to the creation of the District or
29 transfer the burden of providing the services to the District unless the services at the same time
30 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision
31 of the publicly funded services between areas included in the District and areas not so included.

32 SECTION TWELVE. The Register shall report in writing the creation of the Hampton Berthold
33 Community Improvement District to the Missouri Department of Economic Development.

1 SECTION THIRTEEN. The Petition provides that the District shall be governed by a Board of
2 Directors consisting of five individual directors (collectively the “Directors” and each a
3 “Director”). Upon expiration of the terms of the initial Directors, successor Directors shall be
4 appointed from a slate approved by the Directors and by the Mayor of the City with the consent
5 of the Board of Aldermen, in accordance with the CID Act and the process and the qualifications
6 set forth in the Petition.

7 Thomas Hennekes (four years)

8 Renee Hennekes (four years)

9 Kate Hennekes (two years)

10 Jan Nolting (two years)

11 James Drake (two years)

12
13 602368

APPENDIX A

Hampton Berthold Community Improvement District

(Petition on File in City Register's Office)